

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554**

In the Matter of:

Application to Modify Authorization for Intelsat 9 (S2380),
File No. SAT-MOD-20161110-00105,
of Intelsat License LLC.

Petition to deny of HISPASAT

PETITION TO DENY OF HISPASAT

HISPASAT, S.A., (HISPASAT) pursuant to Section 25.154(a) of the Commission's Rules¹, hereby submits this petition to deny the above-referenced application of INTELSAT LICENSE, LLC ("INTELSAT), to Modify Authorization for Intelsat 9. INTELSAT's application must be denied because, as demonstrated below, HISPASAT's granted application for the HISPASAT 30W-4 satellite to operate in the Ku-band at the nominal 30° W.L. orbital location and HISPASAT's pending application for the HISPASAT 30W-6 satellite to operate in the Ku-band at the nominal 30° W.L. orbital location, have first-come first-served queue priority over the INTELSAT application seeking authorization to operate INTELSAT-9 satellite at 29.5° W.L. overlapping frequency ranges that have not been coordinated with HISPASAT, that will cause harmful interference to HISPASAT's operations².

On October 15, 2003, HISPASAT 30W-4 satellite at 30° W.L. previously commercially known as HISPASAT-1D satellite, was added to the Ku Commission's Permitted Space Station List (Permitted List)³. On July 7, 2016, HISPASAT filed a petition to add HISPASAT 30W-6 satellite at 30° W.L. to the Commission's Permitted Space Station List for the Ku band. This satellite will replace HISPASAT 30W-4 and will incorporate additional frequencies. This application was placed on Public Notice on December 16, 2016.⁴ No comments were filed in response to this Public Notice. Four months later, on November 10, 2016, INTELSAT filed a petition to modify the authorization for the Intelsat 9 seeking authority to relocate Intelsat 9 to, and operate the satellite in inclined orbit at, 29.5° W.L. This application was placed on Public Notice on January 13, 2017.⁵

¹ 47 C.F.R. § 25.154(a).

² 47 C.F.R. §25.158(b)(3)(ii).

³ See DA 03-3217, Order, 18 FCC Rcd. 21142 (released October 15, 2003). File No. SAT-PDR-20030430-00090

⁴ See Policy Branch Information, Satellite Space Applications Accepted for Filing, Report No. SAT-01206, SAT-PPL-20160722-00064 (Dec. 16, 2016) (Public Notice).

⁵ See Policy Branch Information, Satellite Space Applications Accepted for Filing, Report No. SAT-01209, SAT-MOD-20161110-00105 (Jan. 13, 2017) (Public Notice).

The Commission's space station processing rules state that applications will be "placed in a queue and considered in the order that they were filed".⁶ HISPASAT's applications at 30° W.L. orbital location were filed before INTELSAT's application at the nominal 29.5° W.L. orbital location and therefore has queue priority for the Ku-band frequencies.

The Commission's satellite processing rules further require that a proposed satellite "not cause harmful interference to any previously licensed satellite". INTELSAT's application to operate a co-frequency, co-coverage satellite at the nominal 29.5° W.L. orbital location in the frequency range 11.95 – 12.2 GHz, which has not been coordinated with HISPASAT, creates a risk of harmful interference to HISPASAT's operating satellites at 30° W.L. (only separated by 0.5°). Indeed, the INTELSAT application fails even to mention HISPASAT.

HISPASAT stands ready to discuss with INTELSAT a coordination agreement that could allow the operation of both HISPASAT's and INTELSAT's proposed satellites at the nominal 30.0° W.L. and 29.5° W.L. orbital locations respectively. Absent such an agreement, however, and in recognition of HISPASAT's priority position in the queue, the Commission should deny INTELSAT's application that seeks to operate INTELSAT-9 frequencies 11.95 – 12.2 GHz, at the nominal 29.5° W.L. orbital location. HISPASAT also wants to highlight that the proposed operational characteristics described in the INTELSAT's application to be operated by INTELSAT-9 satellite at 29.5° W.L. in other Ku frequency ranges are not in accordance with the coordination agreements already signed between INTELSAT and HISPASAT.

Hispasat S.A.

By: */s/ Javier Folguera*

Javier Folguera
General Counsel

⁶ See of the Commission's Space Station Licensing Rules and Policies, First Report and Order and Further Notice of Proposed Rulemaking, IB Docket Nos. 02-34, 02-54, FCC 03-102 (April 23, 2003)(adopting the first-come, first-served procedure for GSO-like satellite systems).